CONSTITUTIONAL LAW—CITY-PLANNING—RESIDENTIAL DISTRICTS.—Pursuant to legislative authority, the city of Minneapolis passed an ordinance establishing a residential district within which no person should thereafter erect any building except for residence purposes, including duplex and double houses, and apartment houses, and expressly prohibiting within the district "the erection and maintenance of hotels, stores, factories, warehouses, dry cleaning plants, public garages or stables, or any industrial establishment or any business whatsoever." No provision was made for compensation of owners of property thus restricted. The relator owned land within the district so established and had, previous to the passage of this ordinance, obtained a permit for the erection of a store building, and had begun building operations thereon. After the passage of the ordinance, he was refused a permit for electric wiring in the building upon the ground that the erection of the building was prohibited by the ordinance. *Held,* that mandamus should issue to the Building Inspector to compel the issuance of the wiring permit. *State ex rel. Lachtman* v. *Houghton* (Minn. 1916), 158 N. W. 1017.

Ignoring the possibility of excepting this case from the operation of the ordinance, the court rests its decision solely upon the unconstitutionality of the statute under which the ordinance was passed. It is said: "The Legislature has power to regulate and restrict the manner in which the owner may make use of his property so far as may be necessary for the general welfare; but such regulations and restrictions must tend in some degree to prevent harm to the public or to promote the common good, and must not unreasonably impair or abridge his property rights. * * * To promote the general well-being, cities may also prescribe districts within which no business or occupation of a noxious or offensive character, or which tends to interfere with the comfort and prosperity of others, may be carried on. The dividing line between restrictions which may be lawfully imposed under the police power and those which invade the rights secured to the property owner by the constitutional provisions that his property shall not be taken or damaged without compensation, nor he be deprived of it without due process of law, has never been distinctly marked out, and probably cannot be. As different cases arise, the courts determine from the facts and circumstances of the particular case whether it falls upon one side or the other of the line." From the case of *People ex rel.* v. *City of Chicago,* 261 Ill. 16, is quoted the doctrine, "There is nothing inherently dangerous to the health or safety of the public in conducting a retail store. It may be that in certain exclusively residential districts the owners of residence property would prefer not to have any retail stores in such blocks; but if such be the case it manifestly arises solely from esthetic considerations." From this and from the reliance of the court upon the billboard cases, and upon the cases, "equally unanimous that restrictions upon the use of property cannot be imposed under the police power for purely esthetic considerations," it becomes clear that the court considered that the ordinance in question subserved but an esthetic end (except in a few of its particular applications) and that no such end would justify the taking of property without compensation. HALLAM, J., dissenting, shows that there is really very

little authority against the validity of such legislation, and that there is some authority for it. The friends of city planning may yet hope.

CONSTITUTIONAL LAW—INVOLUNTARY SERVITUDE.—The defendant was convicted under a statute of Iowa (§ 2407 of the Supplemental Supplement to the Code) which provided that a person who had been once found guilty of contempt for violating a liquor injunction shall, for each subsequent violation and consequent contempt of court, be punished by imprisonment in the state penitentiary at hard labor for not more than one year. Upon appeal, the defendant invoked the protection of the provision found both in the state constitution and in the Thirteenth Amendment to the Constitution of the United States prohibiting involuntary servitude except for crimes of which the person has been duly convicted. *Held*, that the statute in question was unconstitutional. *Flannagan* v. *Jepson* (Iowa 1916), 158 N. W. 641.

Is the punishment provided for in this statute "involuntary servitude" within the meaning of the Thirteenth Amendment? Justice BREWER defines the term as "A condition of enforced compulsory service of one to another." *Hodges* v. *United States*, 203 U. S. 16, 27 Sup. Ct. 8, 51 L. Ed. 65. "Imprisonment at hard labor, compulsory and unpaid, is, in the strongest sense of the words, 'involuntary servitude'." *Ex parte Wilson*, 114 U. S. 417, 5 Sup. Ct. 935, 29 L. Ed. 89. And yet there are cases where one has been held to forced labor and the courts have decided that under the facts no constitutional right was infringed thereby. A familiar example is the compulsory performance by sailors of their contracts. *Robertson* v. *Baldwin*, 165 U. S. 275, 17 Sup. Ct. 326, 41 L. Ed. 715. The requirement from certain persons of a stipulated amount of labor on the public highways is held not to be violative of the Thirteenth Amendment, though such work is in a sense involuntary servitude. *Dennis* v. *Simon*, 51 Ohio St. 233, 36 N. E. 832; *Butler* v. *Perry*, 240 U. S. 328, 36 Sup. Ct. 258, 60 L. Ed. —, commented on in 14 MICH. L. REV. 598. There are certain services which may be commanded of every citizen by his government and obedience enforced thereto. Among these services is training in the militia. *In re Dassler*, 35 Kans. 678, 12 Pac. 130. Though the statement last quoted was not necessary to the decision in the case, who will insist that the Thirteenth Amendment is violated by compulsory service in defense of the nation? The apprenticing of children by parents or by the state under its tutorial power and compelling them to perform labor proper to be required according to their ages cannot be said to be violative of the Thirteenth Amendment. *Kennedy* v. *Meara, et al.*, 127 Ga. 68, 56 S. E. 243, 9 Ann. Cas. 396. The principal case does not come within any of the enumerated exceptions, nor can any reason be alleged why an additional exception should be made to fit the facts set out above. The court has inherent power to punish for contempt, and mere imprisonment as a punishment for contempt is violative of no constitutional right. *Eilenbecker* v. *Dist. Ct.*, 134 U. S. 31, 10 Sup. Ct. 424, 33 L. Ed. 801. The Thirteenth Amendment does permit involuntary servitude as a punishment for crime, but this clause has no bearing upon the constitutionality of the statute in question, as contempt of court is not a crime. *Martin* v. *Blattner*, 68 Iowa 286, 25 N. W. 131; *State*